

**EDELSTEIN & GROSSMAN**

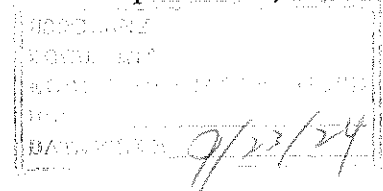
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**MEMO ENDORSED**

September 20, 2024

**VIA ELECTRONIC CASE FILING**

Hon. Lewis Kaplan, U.S.D.J.  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007



**Re: United States v. James Rosemond, Docket No. 10-CR-431 (LAK)**

Your Honor:

I respectfully write, on behalf of defendant James Rosemond, to request pursuant to Fed. R. App. Pro. 4(b)(4) that his time to appeal from this Court's order of September 4, 2024 (ECF No. 674) be extended thirty (30) days to October 18, 2024.

Fed. R. App. Pro. 4(b)(4) provides that "[u]pon a finding of excusable neglect or good cause, the district court may--before or after the time has expired, with or without motion and notice--extend the time to file a notice of appeal for a period not to exceed 30 days from the expiration of the time otherwise prescribed by this Rule 4(b)."

Defendant submits that good cause exists for the extension because Mr. Rosemond is incarcerated and the current conditions of his incarceration do not allow him access to regular phone calls and/or email. Thus, there have been significant delays and difficulties in communicating with him to determine whether he wishes to appeal. These difficulties in communication have been further exacerbated because I had to travel to the Eastern District of Washington this week for an evidentiary hearing and returned to the office today. I have requested a legal call, but this is also a slow process in the federal prison system.

Accordingly, it is respectfully submitted that a 30-day extension would be reasonable and appropriate to give time for the necessary attorney-client communications to take place and for Mr. Rosemond to make a decision about whether to pursue an appeal. Given that Mr. Rosemond is serving his sentence and is not released on bond, he will not benefit from the requested extension and there will be no prejudice to the Government therefrom.

SO ORDERED

LEWIS A. KAPLAN, USDJ

*Granted*  
*L. Kaplan*  
9/23/24

The undersigned emailed counsel for the Government yesterday during the late afternoon, to ascertain whether the Government will take a position on this application, but has not heard back as of the time of filing this afternoon.

Accordingly, it is respectfully requested that this Court grant the 30-day extension of time sought herein and that it grant such other and further relief to defendant Rosemond as may be just and proper.

The Court's consideration in this matter is appreciated.

Respectfully submitted,

/s/ Jonathan I. Edelstein

Jonathan I. Edelstein

Cc: All Parties (Via ECF)